

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

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SECURITIES AND EXCHANGE  
COMMISSION,

Plaintiff,

v.

Case No. 03-C-1427

JILAINE H. BAUER,

Defendant.

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ORDER DENYING IN PART AND GRANTING IN PART DEFENDANT'S MOTION FOR  
SUMMARY JUDGMENT (DOC. # 399) AND GRANTING IN PART AND DENYING IN  
PART PLAINTIFF'S CROSS MOTION FOR SUMMARY JUDGMENT (DOC. # 411)

Plaintiff, the Securities and Exchange Commission (SEC), brought this action against defendant, Jilaine H. Bauer (Bauer),<sup>1</sup> alleging various offenses including violations of Section 17(a) of the Securities Act, Section 10(b) of the Exchange Act, and Rule 10 b-5 thereunder, Sections 34(b) and 36(a) of the Investment Company Act, aiding and abetting violations of Sections 206(1) and 206(2) of the Advisers Act and breach of her fiduciary duty. Both sides seek summary judgment on the insider trading claims.

Based upon the record, filings and proceedings in this matter, the court finds that Bauer possessed material, nonpublic information, and therefore, engaged in insider trading when she redeemed her shares of Heartland's Short Duration High Yield Municipal Fund on October 3, 2000. Now, therefore,

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<sup>1</sup> The SEC originally filed the complaint against other defendants who have since either settled with the SEC or been granted summary judgment. See Documents. # 378, 384 and 395.

IT IS ORDERED that the defendant's motion for summary judgment is denied in part and granted in part.

IT IS FURTHER ORDERED that the plaintiff's cross motion for summary judgment is granted in part and denied in part.

The court's memorandum decision shall follow.

Dated at Milwaukee, Wisconsin, this 31st day of March, 2011.

BY THE COURT

/s/ C. N. Clevert, Jr.

C. N. CLEVERT, JR.

CHIEF U.S. DISTRICT JUDGE